

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

DIANE HUGHES,

Plaintiff,

v.

**BOARD OF EDUCATION OF THE
LAKOTA LOCAL SCHOOL DISTRICT,**

and

**LYNDA O’CONNOR, *individually and in her
official capacity as President of the Board of
Education of the Lakota Local School District,***

Defendants.

: Case No. 1:22-CV-571

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: Judge _____

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Now comes Plaintiff DIANE HUGHES and, for her *Complaint* herein, alleges as follows:

1. This is an action for preliminary and permanent injunctive relief, declaratory judgment, and damages arising from the unconstitutional policies, practices, and customs of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and the unconstitutional actions of LYNDA O’CONNOR, individually and in her capacity as president of the BOARD OF EDUCATION.

2. The policies, practices, and customs of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT, as well as the personal actions of LYNDA O’CONNOR, have unconstitutionally restricted and prohibited access by DIANE HUGHES to the public forum created and established by the BOARD OF EDUCATION for public comments during the course of public meetings of the BOARD OF EDUCATION, all in violation of the First and Fourteenth Amendments to the United States Constitution.

3. The policies, practices, and customs of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT, as well as the personal actions of LYNDIA O'CONNOR, have selectively and in an unconstitutional manner limited, restricted and/or prohibited access by the DIANE HUGHES to the public forum created by the BOARD OF EDUCATION for public participation and comments during the course of public meetings of the BOARD OF EDUCATION.

4. Through the adoption and the implementation of such policy, practice, and custom of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT, as well as the personal actions of LYNDIA O'CONNOR, the constitutional rights of DIANE HUGHES guaranteed by the First and Fourteenth Amendments to the United States Constitution have been, and continued to be threatened to be, violated by the policy, practice, custom of the BOARD OF EDUCATION and the actions of LYNDIA O'CONNOR. The BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and LYNDIA O'CONNOR have already excluded DIANE HUGHES from the public forum of public participation and comments during the course of public meetings of the BOARD OF EDUCATION based solely upon the viewpoint and/or anticipated viewpoint of the statement of DIANE HUGHES, and the BOARD OF EDUCATION and LYNDIA O'CONNOR will continue to exclude Plaintiff from such public participation and comments based solely upon the viewpoint and/or anticipated viewpoint of the anticipated statements of DIANE HUGHES and others.

5. As a result of the policy, practice, and custom of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT, as well as the personal actions of LYNDIA O'CONNOR, DIANE HUGHES has suffered and will continue to suffer irreparable harm unless the BOARD OF EDUCATION and LYNDIA O'CONNOR are immediately enjoined from their

discriminatory prohibition and restriction against the full and robust engagement in speech and speech-related activities of DIANE HUGHES and others protected by the First and Fourteenth Amendments to the United States Constitution.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331, as this action arises under the Fourteenth Amendments to the United States Constitution; under 28 U.S.C. § 1343(a)(3), in that it is brought to redress deprivations, under color of law, of rights, privileges, and immunities secured by the United States Constitution; under 28 U.S.C. § 1343(a)(4), in that it seeks to recover damages and secure equitable relief under an Act of Congress, specifically, 42 U.S.C. § 1983, which provides a cause of action for the protection of civil and constitutional rights; under 28 U.S.C. § 2201, to secure declaratory relief; under 28 U.S.C. § 2202, to secure other relief, including permanent injunctive and damages; and under 42 U.S.C. § 1988, to award attorneys' fees.

7. Venue is proper within this judicial district and division pursuant to 28 U.S.C. § 1391(b) and Local Rule 82.1, as (i) Defendants are situated within this judicial district; and (ii) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated.

PARTIES

8. Plaintiff DIANE HUGHES is a citizen of the State of Ohio, as well as a resident and taxpayer of the Lakota Local School District, located in Butler County, Ohio.

9. Defendant BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT is the governing body for the Lakota Local School District and, pursuant to Section

3313.17 of the Ohio Revised Code, is a body politic and corporate capable of suing and being sued.

10. Defendants LYNDA O’CONNOR is one of the five members of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and was selected as the president of the BOARD OF Education to preside over the meetings of the BOARD OF EDUCATION. Due to the actions personally taken by her, LYNDA O’CONNOR is sued in both her individual capacity and in her official capacity.

11. Pursuant to *Policy No. 0148* of the policies of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT, the president of the BOARD OF EDUCATION “functions as the official spokesperson for the Board.”

12. All actions by the Defendants herein were taken under color of state law.

FACTUAL ALLEGATIONS

Allegations of Misconduct by the Superintendent Addressed or Considered by the Board of Education at its Meeting of September 12, 2022

13. On August 22, 2022, the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT received a written complaint from a resident and taxpayer of the school district concerning alleged conduct of the School District’s superintendent.

14. On September 12, 2022, the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held a regular meeting.

15. At the beginning of the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on September 12, 2022, the members of the BOARD OF EDUCATION convened in an executive session for over 90 minutes under the claimed auspices or authority “to consider the employment of a public employee, and to conference with legal counsel concerning disputes that are the subject of pending or imminent court action.”

16. Based upon information and belief, one (if not the only) matter discussed or considered by the members of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT during the executive sessions held during the regular meeting of the BOARD OF EDUCATION on September 12, 2022, concerned the written complaint relating to the alleged conduct of the School District's superintendent that was received on August 22, 2022.

17. During the course of the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on September 12, 2022, LYNDIA O'CONNOR made the following public statement "from the Board" regarding the complaint concerning the School District's superintendent:

I have a statement from the Board that I'd like to share.

On August 22, 2022, the Board of Education received a complaint from a member of the community regarding Superintendent Matt Miller. The materials submitted to the Board did not contain any direct evidence of misconduct or that Mr. Miller presented a threat to students or to staff. Moreover, the complaint stated that this issue had already been submitted to law enforcement.

Because there were no credible allegations against Mr. Miller, the Board waited for law enforcement to complete their investigation. On Friday, September 9, at the end of the workday, the Board of Education received notice that the Butler County Sheriff's Office completed an investigation regarding the superintendent. The Sheriff's Office determined that there was no probable cause to initiate criminal charges.

To date, the Board has not received any credible evidence of wrongdoing. However, in order to execute due diligence and with the support of the superintendent, a neutral party with no ties to Lakota has begun a review of the facts to confirm that the superintendent is not a threat to students or to staff.

The Board will make no additional comments regarding the complaint until after the investigation is concluded.

18. The foregoing statement by LYNDIA O'CONNOR is available on the audiovisual recording of the meeting published or disseminated by the Lakota Local School District on YouTube at <https://www.youtube.com/watch?v=0QldGvgIIGc>, from approximately 2:24:40 to 2:26:04 of the recording.

19. After she made the statement set forth in paragraph 17, *supra*, and as part of the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT on September 12, 2022, LYNDIA O'CONNOR explicitly and publicly inquired of Isaac Adi, another member of the BOARD OF EDUCATION, whether he supported the statement LYNDIA O'CONNOR had just made, *i.e.*, the statement set forth in paragraph 17, *supra*.

20. In response to the explicit inquiry from LYNDIA O'CONNOR and as part of the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT on September 12, 2022, Isaac Adi publicly declared or indicated his support of the statement Lyndia O'Connor had just made, *i.e.*, the public statement set forth in paragraph 17, *supra*.

21. The foregoing exchange between by LYNDIA O'CONNOR and Isaac Adi, as well as comments by Isaac Adi in response to the inquiry, is available on the audiovisual recording of the meeting published or disseminated by the Lakota Local School District on YouTube at <https://www.youtube.com/watch?v=0QldGvgIIGc>, from approximately 2:26:25 to 2:27:41 of the recording.

22. After she made the statement set forth in paragraph 17, *supra*, and after obtaining the public approbation of Issac Adi to the statement, and as part of the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT on September 12, 2022, LYNDIA O'CONNOR then explicitly and publicly inquired of Kelley Casper, another member of the BOARD OF EDUCATION, whether Ms. Casper supported the statement that LYNDIA O'CONNOR had just made, *i.e.*, the statement set forth in paragraph 17, *supra*.

23. In response to the explicit inquiry from LYNDIA O'CONNOR and as part of the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT on September 12, 2022, Kelley Casper publicly declared or indicated her support of the statement

LYNDA O'CONNOR had just made, *i.e.*, the public statement set forth in paragraph 17, *supra*, including explicitly declaring "I support what we have done."

24. The foregoing exchange between by LYNDA O'CONNOR and Kelley Casper is available on the audiovisual recording of the meeting published or disseminated by the Lakota Local School District on YouTube at <https://www.youtube.com/watch?v=0QldGvgIIGc>, from approximately 2:27:41 to 2:27:52 of the recording.

25. After she made the statement set forth in paragraph 17, *supra*, and after obtaining the approbation of Issac Adi and Kelley Casper to the statement, and as part of the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT on September 12, 2022, LYNDA O'CONNOR then explicitly and publicly inquired of Julie Shaffer, another member of the BOARD OF EDUCATION, whether Ms. Shaffer supported the statement that LYNDA O'CONNOR had just made, *i.e.*, the statement set forth in paragraph 17, *supra*.

26. In response to the explicit inquiry from LYNDA O'CONNOR and as part of the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT on September 12, 2022, Julie Shaffer publicly declared or indicated her support of the statement LYNDA O'CONNOR had just made, *i.e.*, the public statement set forth in paragraph 17, *supra*, including explicitly declaring "I support the statement."

27. The foregoing exchange between by LYNDA O'CONNOR and Julie Shaffer is available on the audiovisual recording of the meeting published or disseminated by the Lakota Local School District on YouTube at <https://www.youtube.com/watch?v=0QldGvgIIGc>, from approximately 2:27:52 to 2:28:09 of the recording.

**Public Comments Critical of the Superintendent Stifled During
the Public Comment Portion of the School Board Meeting of September 12, 2022**

28. *Policy No. 0169.1* of the policies of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT is entitled *Public Participation at Board Meetings*.

29. A true and accurate copy of *Policy No. 0169.1* of the policies of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT as obtained from the website of the BOARD OF EDUCATION is attached hereto as *Exhibit A*.

30. Pursuant to *Policy No. 0169.1* of the policies of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT, the BOARD OF EDUCATION declared that it “recognizes the value to school governance of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest.”

31. To that end, during the course of its public meetings, the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT has designated and opened a portion of said meeting for members of the public to make comments regarding educational issues and school matters of community interest.

32. In fact, pursuant to *Policy No. 0169.1* of the policies of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT, the BOARD OF EDUCATION declared that it “shall provide a period for public participation at every regular and special meeting of the Board.”

33. Additionally, *Policy No. 0169.1* of the policies of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT further provides that “[t]he presiding officer of each Board meeting at which public participation is permitted shall administer the rules of the Board for its conduct.” Thus, as the president of the BOARD OF EDUCATION, LYNDIA O’CONNOR is directly responsible for the administration of rules relating to public participation

at meetings of the BOARD OF EDUCATION, including the specific conduct at issue herein that violated the constitutional rights of DIANE HUGHES and others.

34. Before proceeding with the public comment portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT further provides

As a reminder, the public participation guidelines that we follow as stated in the Lakota Local School District Board of Education Policy 0169.1, the Board values public expression on educational issues. The Board of Education also values an efficient and orderly meeting; it is a business meeting for us and, therefore, public participation is governed by the following rules as outlined in our policy.

We ask our speakers to register, and so I have a list of those who have registered to speak tonight. Along with their names, when you come to the mic, would you please state your name, you do not need to state your address. Each statement made by a participant is limited to three minutes. We'll have a timer on our screen up here and at the point that you see it go to yellow, please wrap up your comments so then when it turns red, you are finished.

Each statement must be directed to the presiding officer. No person may address or question board members individually. To protect employees' rights, the Board doesn't hear complaints about named specific individuals in public session. In the event that there is a complaint, please contact your building principal, the superintendent, the treasurer or the Board.

Please be very mindful of these rules that it is a business meeting of the Board and we don't want anyone to forfeit their time at the microphone, so please be respectful

If these guidelines are violated, there'll be a warning and then we'll ask that you sit down and forfeit the rest of your time. So please be respectful. We'd like everybody to be able to speak who wants to speak tonight.

35. The foregoing statement by LYNDIA O'CONNOR is available on the audiovisual recording of the meeting published or disseminated by the Lakota Local School District on YouTube at <https://www.youtube.com/watch?v=0QldGvgIIGc>, from approximately 2:09:17 to 2:10:53 of the recording.

36. Similar to several other members of the community, DIANE HUGHES requested to speak to the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT during

the public participation portion of the regular meeting of the BOARD OF EDUCATION on September 12, 2022.

37. During the course of the public participation portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on September 12, 2022, LYNDIA O'CONNOR recognized DIANE HUGHES for the allotted three minutes of public comment.

38. During the course of the public participation portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on September 12, 2022, and after identifying herself, DIANE HUGHES started to make the following comments concerning educational issues and school matters of community interest, in general, and, in particular, the alleged conduct of the School District's superintendent and the employment of him, before being interrupted and stopped by LYNDIA O'CONNOR (available on the audiovisual recording of the meeting on YouTube at [https:// www.youtube.com/watch?v=CQ0IE2YCXiw](https://www.youtube.com/watch?v=CQ0IE2YCXiw), from approximately 2:20:00 - 2:21:39):

DIANE HUGHES: My children are grown, so I am here to advocate for someone else's child and for our community at large. As a self-proclaimed public figure, the superintendent of Lakota should be fired because he has admitted to fantasizing about drugging, molesting –

LYNDIA O'CONNOR: Mrs. Hughes.

DIANE HUGHES: [inaudible] sexual abuse –

LYNDIA O'CONNOR: Mrs. Hughes.

DIANE HUGHES: of children.

LYNDIA O'CONNOR: Mrs. Hughes. Mrs. Hughes, I'm going to ask you to refrain from talking about specific employees, but happy to listen to your concerns, otherwise.

DIANE HUGHES: I won't talk about a specific employee –

LYNDIA O'CONNOR: Thank you

DIANE HUGHES: – anymore. Whether this behavior gets followed through or not is irrelevant. Simply having such thoughts disqualifies anyone from having

any job that even remotely has to do with children. In case you aren't aware, pedophiles and child abusers commonly chose career paths –

LYNDA O'CONNOR: Mrs. –

DIANE HUGHES: Its public comment. I am not talking –

LYNDA O'CONNOR: Mrs. Hughes

DIANE HUGHES: – about anyone. I'm making a public – this is about child safety and I'm making a comment.

...

DIANE HUGHES: They chose career paths –

LYNDA O'CONNOR: Mrs. Hughes –

DIANE HUGHES: That put that them –

LYNDA O'CONNOR: This is not a part of our agenda.

DIANE HUGHES: [inaudible] minors

LYNDA O'CONNOR: Thank you for sharing with you. I'm going to ask you to sit down, please. Please. Just to sit down, not to be removed. Thank you.

DIANE HUGHES: I think that you have said what –

LYNDA O'CONNOR: Thank you. Thank you, ma'am.

39. Based upon the content of the comments which DIANE HUGHES made or sought to make, LYNDA O'CONNOR stifled or prohibited the core political speech of DIANE HUGHES during the public comment portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on September 12, 2022.

Public Comments During Meetings of the School Board that Praise or are Positive Towards Specific Employees or Officials Are Readily Allowed

40. However, during the course of other meetings of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT, the BOARD OF EDUCATION and LYNDA O'CONNOR (as president of the BOARD OF EDUCATION) have readily allowed and without interruption public comments that name specific employees or officials, including the School District's superintendent, when such comments are positive about or praise the specific employee or official.

41. However, during the course of other meetings of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT, the BOARD OF EDUCATION and LYNDIA O'CONNOR (as president of the BOARD OF EDUCATION) have readily allowed and without interruption, public comments that are critical, through oblique reference, of a specific member of the BOARD OF EDUCATION (of whom the other members of the BOARD OF EDUCATION are opposed politically or otherwise).

– School Board Meeting of April 14, 2022 –

42. During the course of the public participation portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on April 14, 2022, one resident of the Lakota Local School District made the following statement concerning specifically named or identified employees of the School District without interruption of his/her statements or termination of his/her public comments by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT or by LYNDIA O'CONNOR as president of the BOARD OF EDUCATION (available on the audiovisual recording of the meeting on YouTube at <https://www.youtube.com/watch?v=JFEPZC6XEUQ>, from approximately 0:55:10 - 0:55:24 and 0:56:53 – 0:57:16:

Wanted to say congratulations against to your, [School District Superintendent] Matt Miller, for being selected the 2022 Empowered Digital Specialist Superintendent of the year. I thank you and we all do for preparing our kids for the future.... [School District Superintendent] Miller, you must be the strongest man I know, to sit through meetings being disrespected and ridiculed for simply trying to do your job, the job of supporting all kids in this district and ensuring that every diverse type of student has the same opportunity to achieve.

43. During the course of the public participation portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on April 14, 2022, one resident of the Lakota Local School District made the following statement concerning specifically

named or identified employees of the School District without interruption of his/her statements or termination of his/her public comments by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT or by LYNDIA O'CONNOR as president of the BOARD OF EDUCATION (available on the audiovisual recording of the meeting on YouTube at <https://www.youtube.com/watch?v=JFEPZC6XEUQ>, from approximately 1:06:55 - 1:07:02:

First, I want to thank Superintendent Miller for his strength of character and professionalism while under personal attack by some board members.

44. During the course of the public participation portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on April 14, 2022, one resident of the Lakota Local School District made the following statement concerning specifically named or identified employees of the School District without interruption of his/her statements or termination of his/her public comments by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT or by LYNDIA O'CONNOR as president of the BOARD OF EDUCATION (available on the audiovisual recording of the meeting on YouTube at <https://www.youtube.com/watch?v=JFEPZC6XEUQ>, from approximately 2:10:56 – 2:11:06:

[C]ongratulations again to [School District Superintendent] Miller and [School District Treasurer] Jenni Logan, you're very well deserved on your respective awards, and thank you so much again for all you do for our students and this district.

45. During the course of the public participation portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on April 14, 2022, one resident of the Lakota Local School District made the following statement concerning specifically named or identified employees of the School District without interruption of his/her statements or termination of his/her public comments by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT or by LYNDIA O'CONNOR as president of the BOARD OF

EDUCATION (available on the audiovisual recording of the meeting on YouTube at <https://www.youtube.com/watch?v=JFEPZC6XEUQ>, from approximately 2:13:46 – 2:14:01:

I just wanted to congratulate [School District Superintendent] Miller and [School District Treasurer] Logan. And everyone already said what I was going to say. Thank you for making our school district so amazing. Appreciate it. Thank you

– School Board Meeting of May 9, 2022 –

46. During the course of the public participation portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on May 9, 2022, one resident of the Lakota Local School District made the following statement concerning specifically named or identified employees of the School District without interruption of his/her statements or termination of his/her public comments by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT or by LYNDIA O’CONNOR as president of the BOARD OF EDUCATION (available on the audiovisual recording of the meeting on YouTube at <https://www.youtube.com/watch?v=CQ0IE2YCXiw>, from approximately 2:30:01 – 2:30:24:

First, I want to say thank you, [School District Treasurer] Jenni [Logan]. You are a freaking rock star and we really appreciate you and the work you have done. And, [School District Superintendent] Miller, I can’t tell you how much I appreciate everything you’ve done for this district. And, the Board, I thank you for hiring both of them because they are just rock stars.

47. Also during the course of the public participation portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on May 9, 2022, one resident of the Lakota Local School District made the following statement concerning specifically named or identified employees of the School District without interruption of his/her statements or termination of his/her public comments by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT or by LYNDIA O’CONNOR as president of the BOARD OF

EDUCATION (available on the audiovisual recording of the meeting on YouTube at <https://www.youtube.com/watch?v=CQ0lE2YCXiw>, from approximately 2:34:12 – 2:34:31:

Therefore, I ask the Board President to make a motion at a future meeting to remove [School Board Member] Brodi from her subcommittee meetings, to show support for teachers. Our meetings will then be effective by reducing from her distractions, repeated resolutions; baseless accusations prevent us from getting real work done.

48. Also during the course of the public participation portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on May 9, 2022, one resident of the Lakota Local School District made the following statement concerning specifically named or identified employees of the School District without interruption of his/her statements or termination of his/her public comments by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT or by LYNDIA O'CONNOR as president of the BOARD OF EDUCATION (available on the audiovisual recording of the meeting on YouTube at <https://www.youtube.com/watch?v=CQ0lE2YCXiw>, from approximately 2:37:48 -2:38:06:

I want to thank [School District Superintendent] Miller for his quick action this week in regards to the safety of our students and building security.... [School District Treasurer] Jenni Logan, you are rockstar and we will miss your smile, your patience, and your knowledge.

49. Also during the course of the public participation portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on May 9, 2022, one resident of the Lakota Local School District made the following statement concerning specifically named or identified employees of the School District without interruption of his/her statements or termination of his/her public comments by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT or by LYNDIA O'CONNOR as president of the BOARD OF EDUCATION (available on the audiovisual recording of the meeting on YouTube at <https://www.youtube.com/watch?v=CQ0lE2YCXiw>, from approximately 2:38:35 – 2:39:05:

I am here today to thank the teachers, staff, and principal of Lakota East High School and Liberty Early Childhood School, as well as [School District Superintendent] Matt Miller for acting in the best interests of the students at all times. Please note that your recent efforts are recognized and appreciated by the parents of the students in the schools..... [T]he recent actions by a member of the school board are deeply concerning....

50. Also during the course of the public participation portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on May 9, 2022, one resident of the Lakota Local School District made the following statement concerning specifically named or identified employees of the School District without interruption of his/her statements or termination of his/her public comments by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT or by LYNDIA O'CONNOR as president of the BOARD OF EDUCATION (available on the audiovisual recording of the meeting on YouTube at <https://www.youtube.com/watch?v=CQ0lE2YCXiw>, from approximately 2:40:45 - 2:40:56:

Thank you to [School District Superintendent] Miller and to [School District Treasurer] Jenni Logan for being the supportive entities that you are and all of your hard work and quick action for all our staff, students, and educators.

51. Also during the course of the public participation portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on May 9, 2022, one resident of the Lakota Local School District made the following statement concerning specifically named or identified employees of the School District without interruption of his/her statements or termination of his/her public comments by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT or by LYNDIA O'CONNOR as president of the BOARD OF EDUCATION (available on the audiovisual recording of the meeting on YouTube at <https://www.youtube.com/watch?v=CQ0lE2YCXiw>, from approximately 2:43:27 - 2:43:59:

And [School District Treasurer]. Logan, I would to thank you for your work as treasurer, and you will be missed, your expertise in crunching numbers will be missed.... And [School District Superintendent] Miller, thank you for being our

superintendent. It seems like your job is herding cats. Everyday, you're facing challenges because of the fluid environment within the school board. I never realized that until I started coming to these school board meetings, so thank you. You're much appreciated. Thank you, very much.

52. Also during the course of the public participation portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on May 9, 2022, one resident of the Lakota Local School District made the following statement concerning specifically named or identified employees of the School District without interruption of his/her statements or termination of his/her public comments by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT or by LYNDIA O'CONNOR as president of the BOARD OF EDUCATION (available on the audiovisual recording of the meeting on YouTube at <https://www.youtube.com/watch?v=J2VUrrVWCE>, from approximately 00:19:12 - 00:19:22:

I want to say thank you to [School District Superintendent] Miller and all the staff of Lakota for providing my children with a safe and caring and intellectually stimulating environment.

– School Board Meeting of May 26, 2022 –

53. During the course of the public participation portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on May 26, 2022, one resident of the Lakota Local School District made the following statement concerning specifically named or identified employees of the School District without interruption of his/her statements or termination of his/her public comments by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT or by LYNDIA O'CONNOR as president of the BOARD OF EDUCATION (available on the audiovisual recording of the meeting on YouTube at <https://www.youtube.com/watch?v=CQ0IE2YCXiw>, from approximately 0:53:24 – 0:53:35

First, huge shout out to [School District Treasurer] Jenni Logan for her stellar closing statement at the last meeting. You are a solid rock star.

54. Also during the course of the public participation portion of the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on May 26, 2022, one resident of the Lakota Local School District made the following statement concerning specifically named or identified employees of the School District without interruption of his/her statements or termination of his/her public comments by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT or by LYNDIA O'CONNOR as president of the BOARD OF EDUCATION (available on the audiovisual recording of the meeting on YouTube at <https://www.youtube.com/watch?v=CQ0IE2YCXiw>, from approximately 00:59:47 - 00:59:54:

...and I agree with [School District Treasurer] Jenni [Logan] on this one, and I would like to compliment her for that report because this is the first time I've been at a live meeting.

**First Cause of Action
(42 U.S.C. 1983 – First Amendment)**

55. Plaintiff incorporates by reference the foregoing as if fully restate herein.

56. The policy, practice, and custom of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and the personal actions, under color of law, of LYNDIA O'CONNOR in her individual capacity has and will continue to unconstitutionally limit, restrict, and/or prohibit the core political speech of members of the public based upon the content and/or viewpoint of any person seeking to speak during the public comment portion of meetings of the BOARD OF EDUCATION.

57. As a direct and proximate result of the policy, practice, and custom of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and the personal actions, under color of law, of LYNDIA O'CONNOR in her individual capacity, DIANE HUGHES has suffered

injury and damages in not having full and uninhibited access to the public forum created and established by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT.

58. Specifically, at the meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on September 12, 2022, DIANE HUGHES has had her core political speech squelched, which has deprived her of her constitutional rights to freedom of speech as protected by the First Amendment, the right to petition the government for redress of grievances pursuant to the First Amendment, and the denial of equal protection of the law in violation of the rights afforded by the Fourteenth Amendment.

59. DIANE HUGHES desires to have access at future meetings of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT to the public forum for public comment created by the BOARD OF EDUCATION and to do so without having the restriction or prohibition imposed upon her based upon the content and/or viewpoint of her comments that on educational issues and school matters of community interest.

60. As indicated on the website of the Lakota Local School District (<https://www.lakotaonline.com/about/board/meetings>), the next regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT is scheduled for October 10, 2022.

61. DIANE HUGHES desires to be able to participate in the public participation portion of the forthcoming meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT scheduled for October 10, 2022, and to specifically criticize, by name, officials with the Lakota Local School District, including the School District's superintendent.

62. In light of the past actions by LYNDIA O'CONNOR, and the stifling of such comments against DIANE HUGHES at the meeting of September 12, 2022, DIANE HUGHES reasonably

anticipates that her desired access to the forum and the ability to engage fully and robustly in core political speech at the forthcoming meeting will be outright denied or severely inhibited based upon her viewpoint and/or content.

63. As the recipient of the speech of others, DIANE HUGHES desires to receive and listen to the core political speech of others at future meetings of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT who seek access to the public forum for public comment created by the BOARD OF EDUCATION and to do so without having the restriction or prohibition imposed upon the speech of others based upon the content and/or viewpoint of the comments that others may make on educational issues and school matters of community interest.

64. As a direct and proximate result of the policy, practice, and custom of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and the personal actions, under color of law, of LYNDIA O'CONNOR in her individual capacity, DIANE HUGHES has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law.

65. As a direct and proximate result of the policy, practice, and custom of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and the personal actions, under color of law, of LYNDIA O'CONNOR in her individual capacity, including their restriction and prohibition against the right to freedom of speech and to petition the government redress of grievances in the public forum at issue herein, DIANE HUGHES is entitled to recover damages for the violation of her constitutional rights.

66. In light of the policy, practice, and custom of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and the conduct, under color of law, of LYNDIA O'CONNOR in her individual capacity, DIANE HUGHES and other members of the general public will continue to be denied access to the public forum created and established by the BOARD OF

EDUCATION because they desire to make public comment and testimony in that forum that is critical of public employees or officials, in general, and the School District's superintendent, in particular.

67. The policy, practice, and custom of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and the conduct, under color of law, of LYNDIA O'CONNOR in her individual capacity, in denying DIANE HUGHES and others access to the public forum created and established by the BOARD OF EDUCATION for public comment during the course of meetings of the BOARD OF EDUCATION, fails to comply with the standards and requirements for the regulation of activities protected by the First Amendment.

68. The policy, practice, and custom of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and the conduct, under color of law, of LYNDIA O'CONNOR in her individual capacity, in denying DIANE HUGHES and others access to the public forum created and established by the BOARD OF EDUCATION for public comment during the course of meetings of the BOARD OF EDUCATION has been undertaken in violation of the First and Fourteenth Amendments to the United States Constitution.

69. In order to prevent further violation of the constitutional rights of DIANE HUGHES and others by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and of LYNDIA O'CONNOR, it is appropriate and proper that a declaratory judgment be issued, pursuant to 28 U.S.C. § 2201 and Fed. R. Civ. P 57, declaring unconstitutional the actions of the LYNDIA O'CONNOR in her individual capacity and the policy, practice, and custom of the BOARD OF EDUCATION to prohibit or restrict public comments or testimony during meetings of the OHIO STATE BOARD OF EDUCATION based upon the content or viewpoint, or the anticipated content or viewpoint, of such comments.

70. Furthermore, pursuant to 28 U.S.C. § 2202 and Fed. R. Civ. P. 65, it is appropriate, and hereby requested, that this Court issue a preliminary and permanent injunction enjoining the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and of LYNDIA O'CONNOR from enforcing the prohibition on the advocacy by DIANE HUGHES (as well as others) as part of the public forum created or established by the BOARD OF EDUCATION as part of its meetings.

WHEREFORE, Plaintiff prays for judgment against Defendants and that the Court:

- A. Adjudge, decree and declare the rights and other legal relations of the parties to the subject matter in controversy in order that such declarations shall have the force and effect of final judgment and that the Court retain jurisdiction of this matter for the purpose of enforcing the Court's orders;
- B. Pursuant to 28 U.S.C. §2201, declare that the policy, practice, and custom of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT, as well as the actions of LYNDIA O'CONNOR as set forth above, violate the First and Fourteenth Amendments to the United States Constitution;
- C. Pursuant to 28 U.S.C. §2202, 42 U.S.C. §1983, and Fed. R. Civ. P. 65 preliminarily and permanently enjoin the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and LYNDIA O'CONNOR from enforcing the unconstitutional policy, practice, and custom against DIANE HUGHES and others similarly situated now or in the future, order said Defendants to provide equal access to the public forum, and award damages to DIANE HUGHES for the actions and conduct of the Defendants herein;

- D. Pursuant to 42 U.S.C. §1988 and other applicable law, award Plaintiff costs and expenses incurred in bringing this action, including reasonable attorneys' fees; and
- E. Grant such other and further relief as the Court deems equitable, just and proper.

Respectfully submitted,

/s/ Curt C. Hartman
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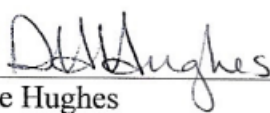
VERIFICATION

Pursuant to 28 U.S.C. § 1746, I, DIANE HUGHES, declare the following:

1. I have personal knowledge of the matters alleged in the foregoing Complaint.
2. The allegations contained herein are true and accurate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of September 2022.


Diane Hughes